



## **APPLICATION FOR UNREASONABLE HARDSHIP**

The State of California requires that non-residential buildings, when altered, remodeled or repaired, must be made to be accessible to persons with physical disabilities (California Code of Regulations, Title 24, Part 2, Division III). This requirement pertains to area/s of specific alteration, repair or addition and includes the following areas:

- § A primary entrance to the building or facility
- § The primary path of travel (from the entrance) to the specific area of alteration, addition or repair
- § Sanitary facilities, drinking fountains, signs and public telephones serving the area
- § Other additional accessible elements such as parking, storage and alarms

Where the cost of the work does not exceed \$113,586 and the cost of providing access is disproportional to the cost of the work, access shall be provided to the extent possible without incurring disproportionate cost provided the Chief Building Official finds that compliance with this requirement creates an unreasonable hardship. Disproportionate cost occurs when the cost of the above alterations necessary to make these features fully accessible exceeds 20% of the cost of the project without those features.

Additionally, if physical limitations of the existing building or site precludes compliance with this requirement, the Chief Building Official may make a finding of unreasonable hardship with adequate documentation.

If you believe a finding of unreasonable hardship should be made for your specific project and conditions, please complete the following part of this handout.

1. **Project Description** (include specific use/s, size, functions, number of employees, etc):

---

---

---

2. **Address of Project**

---

---

3. **Owner and Owner's Address**

---

---

4. **Designer and Designer's Address**

---

---

5. **The Basis for a Finding of Unreasonable Hardship is:**

---

---

---

---

6. Cost of Work and Cost of Disabled Access Features;

**Total Project Cost for All Work Contemplated is:** \$ \_\_\_\_\_  
**The Total Cost for All Disabled Access Work required under Title 24 is:** \$ \_\_\_\_\_  
**The percent of All Access Work to Total Project Cost is:** \_\_\_\_\_ %

7. Proposed Access Work if a Finding of Unreasonable Hardship is made:

**If a finding of unreasonable hardship is made, the applicant proposes to include the following disabled access features along with associated costs:**

a. \$ \_\_\_\_\_  
b. \$ \_\_\_\_\_  
c. \$ \_\_\_\_\_  
d. \$ \_\_\_\_\_  
e. \$ \_\_\_\_\_

**Total Cost of all proposed Disabled Access Features** \$ \_\_\_\_\_

NOTES:

- The determination of unreasonable hardship and this documentation do not allow a blanket exemption from disabled access requirements.**
- This form is available in electronic ("Word") form on the Milpitas Website at [www.ci.milpitas.ca.gov/citydept/building/#procedures](http://www.ci.milpitas.ca.gov/citydept/building/#procedures)**

Submitted By (printed name): \_\_\_\_\_ Date: \_\_\_\_\_  
**Signature:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**Phone/Email;** \_\_\_\_\_

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_  
City of Milpitas

Conditions of Approval, if any:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_